IN THE HIGH COURT OF JUDICATURE, PRADESH AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF
JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11390 of 2004

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Between:

1 Shaik Valli s/o Iman Saheb
H.No.12-15-5/13 Bapanaiah Nagar, Narsaraopet,
Guntur District

2 Shaik Mahaboob Subhani S/o Moulali
H.No.12-15-5/7/B Bapanaiah Nagar
Narsaropet, Guntur District

3 Chandra Shouri S/o Veeraiah
H.No.12-15-5/12, Bapanaiah Nagar
Narsaropet, Guntur District

4 Nuthalapati Padmavathi W/o Hanumantharao
H.No.12-15-5 Bapanaiah Nagar
Narsaropet, Guntur District

5 Ravella Sivaleela W/o Janardanaudu
H.No.12-15-5 Bapanaiah Nagar
Narsaropet, Guntur District

6 Shaik Rahimunnisa W/o Mastan Saheb
H.No.12-15-5 Bapanaiah Nagar
Narsaropet, Guntur District

7 Jammula Radamma W/o Adinarayana
H.No.12-15-5/7/D Bapanaiah Nagar
Narsaropet, Guntur District

8 Vejendla Seetha W/o Narasimha Rao
H.No.8-12-14 Bapanaiah Nagar
Narsaropet, Guntur District

9 Shaik Karimunnisa W/o Mastan Valli
H.No.12-15-5 Bapanaiah Nagar
Narsaropet, Guntur District

10 Grandhi Manikumari W/o Venkatappaiah
H.No.12-6-69 Bapanaiah Nagar
Narsaropet, Guntur District

11 Shaik Maimoon W/o Hassan
Bapanaiah Nagar
Narsaropet, Guntur District

12 Shaik Moulali S/o Khadru Saheba

H.No.12-15-5/13 Bapanaiah Nagar
Narsaropet, Guntur District

13 Shaik Hussain S/o Abdullah
H.No.12-15-5/7/C Bapanaiah Nagar
Narsaropet, Guntur District

14 Shaik Hussain Basha S/o Saidulu
H.No.12-15-5/81 Bapanaiah Nagar
Narsaropet, Guntur District

15 Shaik Kasmoor S/o Saidulu
H.No.12-15-5/81 Bapanaiah Nagar
Narsaropet, Guntur District

16 Thippireddy Padma w/o Krishna Reddy
Bapanaiah Nagar
Narsaropet, Guntur District

17 Shaik Mastani w/o Mastan Valli
H.No.12-15-5/71 Bapanaiah Nagar
Narsaropet, Guntur District

18 Shaik Mallika W/o Babulal
H.No.12-15-5/81 Bapanaiah Nagar
Narsaropet, Guntur District

19 Shaik Beebijan W/o Khadervalli
H.No.12-15-5/81 Bapanaiah Nagar
Narsaropet, Guntur District

20 Shaik Peer Ahmed S/o Saidulu
H.No.12-15-5/81 Bapanaiah Nagar
Narsaropet, Guntur District

21 Chava Nagabhushanam S/o Venkateshwarlu
H.No.12-15-5/13 Bapanaiah Nagar
Narsaropet, Guntur District

22 Tadiparthi Adilakshmi w/o Papap Rao
H.No.12-15-5/81/A Bapanaiah Nagar
Narsaropet, Guntur District

..... PETITIONERS

AND

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1 The Commissioner Narsaraopet Municipality
Narsaraopet , Guntur District

2 The Town Planning Officer, Narsaraopet Municipality
Narsaraopet , Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate

writ, order or direction preferably one in the nature of writ of mandamus, declaring the action of the Respondent in trying to dispossess the petitioners and demolish houses of the petitioners without following the provisions of AP. Municipalities Act, as arbitrary, illegal, improper and violative of principles of natural justice and consequently direct the respondents, to follow the provisions of AP. Municipalities Act, before evicting/dispossessing the petitioners,

For the Petitioners : MR.V.V.N.NARASIMHAM, Advocate

For the Respondents : None appeared.

The Court Made the Following ORDER:

The grievance of the petitioners is that though they have been in occupation of the Government *poramboke* land, where they have put up their houses, the respondent-municipality is proceeding against the petitioners to dispossess them without issuing any notice and resorting to any proceeding in accordance with the provisions of the A.P. Municipalities Act. Therefore, the petitioners have come up with the present writ petition.

2. None appeared for the respondent-municipality. The writ petition is disposed of at the admission stage, after hearing the learned counsel for the petitioners.

3. In view of the claim of the petitioners that they are in possession of the houses, where they are residing, though it is admitted that the land belongs to the Government, the respondents-authorities cannot dispossess them without issuing any notice and without taking recourse to the provisions of law.

4. Therefore, the writ petition is accordingly disposed of directing the respondents to take appropriate action by

following the provisions of law by issuing proper notice to the petitioners, if they are in occupation of the land of the municipality.

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S. Ananda Reddy, J.

6th July, 2003

Note: Issue the operative portion
By wire at party's costs.

(bo)
JS/Kvh

To

1 The Commissioner Narsaraopet Municipality
Narsaraopet , Guntur District

2 The Town Planning Officer, Narsaraopet Municipality
Narsaraopet , Guntur District

3. Two CD Copies.

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11390 of 2004

ORAL ORDER

6TH July 2004